



Ministry of the Presidency
Vissengen Road, Bourda, Georgetown
Cooperative Republic of Guyana

2017.10.19

Mr Bharrat Jagdeo, MP
Leader of the Opposition
Office of the Leader of the Opposition
304 Church Street
Queenstown, Georgetown

Dear Mr Jagdeo,

Appointment of Chairman, Guyana Elections Commission

Having considered the provisions of Article 161(2) of the *Constitution of the Cooperative Republic of Guyana* which gives me the authority to appoint a Chairman of the Guyana Elections Commission (GECOM) from the final list submitted by the Leader of the Opposition "of six persons not unacceptable to the President," and the proviso thereto and, also, that Article 182(1) of the *Constitution* empowers me to act in my own deliberate judgement when exercising such discretion, I have decided that it would not be in the public interest to delay, further, the appointment of a Chairman of GECOM.

Having considered, further, the ruling of the Chief Justice, the Hon. Roxane George-Wiltshire, in the case of Marcel Gaskin V AG et al, in which she gave the following answers to the Applicant's questions, inter alia:

"The submission of the list does not mean that the President is obliged to accept the list or the persons named in it. If the President is of the view that the list is deficient, either in totality or in the names that have been included, he can exercise his discretion to deem the entire list unacceptable. (p. 30).

"If the President considers that one or more persons on the list is not a fit and proper person and, therefore, unacceptable, then he may decide to reject the entire list as being incomplete or restrictive, or

"He may decide to choose one of the persons if they (he or she) qualify even though every other name in the list is not acceptable. Therefore the whole list need not be rejected." (p. 26)

I have paid careful attention to the ruling of the Chief Justice.

Having examined, further, the Chief Justice's answers in relation to the President's having to give reasons for his rejection of a list, that is to say:

"The Leader of the Opposition, and others for that matter, may not agree with the reasons given, but they must be given so that the parameters for the submission of another list, if required would be set." (p. 29).

I understand this to mean that, only where I agree to more than one list, reasons must be given.

Having rejected an earlier list, I did give you, the Leader of the Opposition, at your request, a list of criteria or characteristics that would make listed persons acceptable, to wit:

- a) That person is deemed to have wide electoral knowledge, capable of handling electoral matters because he (or she) is qualified to exercise unlimited jurisdiction in civil matters;
- b) That person will discharge his functions without fear or favour, that is, he will not allow any person or organisation to bulldoze or influence him to compromise his neutrality;
- c) That person will discharge his functions neutrally between the two opposing parties as he would have done in Court between two opposing litigants;
- d) That person will not be an activist in any form (gender, racial, theological, religious etc.);
- e) That person should not have any political affiliation or belong to any political party in any form, apparent or hidden; and
- f) That person should have a general character of honesty, integrity, faithfulness, diligence and fear of God in the discharge of his duty as Chairman.

Having carefully examined the names of the six persons on the list dated 2017.08.25, it is my considered view that the list is "unacceptable" within the meaning of the *Constitution*.

Having found the list dated 2017.08.25 unacceptable, therefore, I have placed reliance on the Chief Justice's ruling that, in exercise of my decision to reject the list dated 2017.08.25, I could:

"Resort to the proviso to Article 161(2) which permits the President to act independently to appoint a person of the Judicial category to be the Chairman of GECOM, that is a person who is presumptively fit and proper." (p. 30)

I formally inform you, therefore, that in the public interest, I shall appoint a person as provided for by the Constitution to be Chairman of GECOM without further delay.

Yours sincerely,



David Granger
President of the Co-operative Republic of Guyana

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Rev. Justice (Ret'd) James A. Patterson

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CURRICULUM VITAE

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DATE OF BIRTH
NATIONALITY

22nd August 1933
Guyanese

CURRENT PROFESSIONAL OBJECTIVES

To impart such as I have in legal and academic expertise, as well as my general experience to the end that the academic, moral and spiritual fabric of society would experience an appreciable uplift.

APPOINTMENTS and PARTICULARS

PROFESSIONAL QUALIFICATION

LAW
1964

Was admitted to the Honourable Society of the Middle Temple and called to the Degree of the **Utter Bar** on the 24th day of November 1964.

NURSING
1965

Registered as Nurse in the psychiatric part of the Register of the **General Nursing Council of England and Wales**, circa 1965 while pursuing studies at the Council of Legal Education for the Bar final examination.